

REMARKS

The application has been amended and is believed to be in condition for allowance.

Claims 1-9 and 11-20 remain in this application.

Claim 10 is canceled without prejudice.

New claim 21 depends from claim 1.

Amendments to the Disclosure

The specification is amended to include section headings.

The specification is further amended on page 3 to remove a reference to a specific passage of a numbered claim.

The amendments to the claims do not introduce new matter.

Claims 1-9 and 14-20 are amended to address the Official Action's rejection under 35 USC 112, second paragraph.

Claims 1-9 and 12-20 are further amended to address antecedent basis issues and as to form in consideration of U.S. practice and preferences.

In particular, claim 1 is amended to recite the holder being configured to contain a card with an electronic data-carrying element, the card being any of a bank card, key card, membership card, cash card, and payment card. The amendment finds support in the specification and the drawing figures as

originally filed (e.g., specification page 1, lines 10-11; former claim 10).

Claim 1 is further amended to recite that an area of a second sheet portion (3, 4, 5) is configured to extend a distance from a fold of the holder such that a surface of the card, extending over the entire card length, is exposed and not overlapped by the second sheet portion (3, 4, 5). The amendment finds support in the specification and the drawing figures as originally filed (e.g., specification page 4, lines 1-5; Figures 1-2).

New dependent claim 21 further distinguishes the invention from the prior art.

The amendments to the claims do not introduce new matter.

Rejections under Section 112, Second Paragraph

The Official Action rejected claims 1-20 under 35 USC 112, second paragraph stating that the claims are indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

In reply, claims 1-9 and 14-20 are amended, as stated above, to obviate the rejection for indefiniteness. The recitation of a holder being configured to contain a card with a data-carrying element appears after the transition phrase of the claim, and is therefore believed to be positively recited.

Withdrawal of the rejection under 35 USC 112, second paragraph is respectfully solicited.

Rejections under Section 103

The Official Action rejected claims 1, 4-11, 18 and 19 under 35 USC 103(a) as being unpatentable over Wen Chi Hu (FR 2,638,619; "HU").

The Official Action rejected claims 2, 12, 14, 16, and 20 under 35 USC 103(a) as being unpatentable over HU in view of Littman (US 3,027,995; "LITTMAN").

The Official Action rejected claims 3, 15, and 17 under 35 USC 103(a) as being unpatentable over HU and LITTMAN, and further in view of Parker (US 4,792,058; "PARKER").

The Official Action rejected claim 13 under 35 USC 103(a) as being unpatentable over HU and LITTMAN, and further in view of Kamens et al. (US 5,941,375; "KAMENS").

The rejections are respectfully traversed for at least the reasons that follow.

As to the reference HU, it is firstly noted that independent claim 1 is amended. It is respectfully submitted that neither HU nor the other cited references, individually or in combination, teach or suggest a holder having first and second sheet portions wherein i) an area of a second sheet portion (3, 4, 5) is configured to extend a distance from a fold of the holder such that a surface of the card, extending over the entire

card length, is exposed and not overlapped by the second sheet portion (3, 4, 5), the card length being longer than a card width, while ii) an area of the first sheet portion (2) is configured to completely overlap the whole surface area of the card, as recited in amended claim 1.

On the contrary, HU plainly teaches a holder (1) wherein a first and second sheet portions have the same dimensions (Figures 1-2, 4-5), the first sheet failing to completely overlap the whole surface area of the card (e.g., at 14 of Figure 4) and a second sheet failing to expose a surface area extending over the entire length of the card (see Figures 2-3), as required by amended claim 1.

By the reduced width of the second sheet portion, the card of the present invention may easily be inserted and withdrawn from all directions not enclosed by the fold by the user pushing tile card by the thumb of only one hand in the surface area exposed by the reduced width of the second sheet portion.

It is plainly evident that the device of HU does not allow the card to be easily inserted and withdrawn by using only one hand as the edges the card are only insignificantly exposed from the case, requiring the user to use both the thumb and an opposed finger to grasp the card. Hence, the device of the invention gives a superior accessibility to the card.

It is also noted that the reduced width of the second sheet portion of the invention recited by amended claim 1 enables a user to also immediately identify the card from the visible surface of the card exposed to the user. The present invention is also advantageous because the reduced width of the second portion saves sheet material and manufacturing costs.

The HU device, in contrast, almost completely conceals the card, therefore forcing the user to pull the card from the device in order to identify it.

Hence, HU fails to teach or suggest the invention recited in claim 1.

It is further respectfully submitted that none of the cited references LITTMAN, PARKER or KAMENS, individually or in combination, teach or suggest the structure recited by amended claim 1.

Accordingly it is respectfully submitted that amended claim 1 is patentable over the cited references.

It is also respectfully submitted that claims depending from amended claim 1 are patentable at least for depending from a patentable claim.

Reconsideration and allowance of the claims are respectfully requested.

From the foregoing, it will be apparent that Applicant has fully responded to the June 27, 2008 Official Action and that the claims as presented are patentable. In view of this,

Applicant respectfully requests reconsideration of the claims, as presented, and their early passage to issue.

In order to expedite the prosecution of this case, it is requested that the Examiner telephone the attorney for Applicant at the number set forth below if the Examiner is of the opinion that further discussion of this case would be helpful.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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